

REMARKS

In the Office Action, claims 25-30 were allowed, claims 1, 3-10 and 13-24 were rejected, and claims 2, 11, 12, 26, and 27 were objected to. By the present Response, claims 1, 9, 12, 16, 20, 23, 26 and 27 are amended, and claims 10, 11, and 30 are cancelled. Upon entry of the amendments, claims 1-9 and 12-29 will remain pending in the present patent application. Reconsideration and allowance of all pending claims are requested.

Allowable Claims

The Examiner objected to claims 2, 11, and 12 but stated they would be allowable if rewritten into independent form. *See* Office Action, page 7. Applicant would like to thank the Examiner for indicating the allowability of the referenced claims. Applicant has incorporated the allowable subject matter of claim 11 into independent claim 9, as will be discussed in further detail below.

Claim Objections For Improper Form

The Examiner objected to claims 26 and 27 as being in improper form. Accordingly, the Applicant has amended claims 26 and 27 to correct the misnumbering.

Rejections Under 35 U.S.C. § 101

In the Office Action, claims 24 and 30 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Although Applicant does not necessarily agree with the rejections, claims 24 and 30 have been cancelled.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 3-5, 8-10, 13-18, and 20-24 under 35 U.S.C. § 102(b) as being anticipated by Launay et al., U.S. Patent No. 6,224,257 (hereinafter "Launay"). Applicant respectfully traverses these rejections. A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a

claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Amended independent claims 1 and 16 generally recite a phantom comprising a first and second portion, the “*second portion coupled to the first portion and rotatable with respect to the first portion.*” Amended independent claims 20 and 23 generally recite a method for testing an imaging device with a phantom comprising a first and second portion, the “*second portion coupled to the first portion and rotatable with respect to the first portion.*”

In contrast, Launay discloses a phantom with components fixed in place relative to one another at particular angles, designed to test a three-dimensional radiographic angiography system. *See* Launay, FIG. 1; col. 2, lines 47-54; col. 3, lines 51-54; col. 4, lines 6-7. Launay discloses that when using a three-dimensional angiography system, “the acquisition system, i.e., the X-ray tube and the means for receiving the X-ray beam, rotates around the patient.” *Id.*, col. 2, lines 49-51. However, Launay does not disclose a *phantom* having a second portion coupled to a first portion and rotatable with respect to the first portion. Therefore, all claims are patentable over the cited reference. Accordingly, Applicant respectfully requests that the Examiner withdraw the foregoing rejection and allow the claims.

Applicant respectfully asserts that as the present dependent claims are patentable by virtue of their dependency from an allowable independent claim. The dependent claims are also patentable because of the subject matter they separately recite. Moreover, the secondary references cited by the Examiner do not obviate the deficiencies discussed above. Accordingly, Applicant respectfully requests withdrawal of the rejections under § 103.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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